

“(iv) ELIGIBLE RECIPIENTS.—The Secretary shall make amounts for rental assistance and associated administrative costs under the Program available in the form of grants to eligible recipients.

“(v) FUNDING CRITERIA.—The Secretary shall award grants under the Program based on—

“(I) need;

“(II) administrative capacity; and

“(III) any other funding criteria established by the Secretary in a notice published in the Federal Register after consulting with the Secretary of Veterans Affairs.

“(vi) ADMINISTRATION.—Grants awarded under the Program shall be administered in accordance with the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), except that recipients shall—

“(I) submit to the Secretary, in a manner prescribed by the Secretary, reports on the utilization of rental assistance provided under the Program; and

“(II) provide to the Secretary information specified by the Secretary to assess the effectiveness of the Program in serving eligible Indian veterans.

“(vii) CONSULTATION.—

“(I) GRANT RECIPIENTS; TRIBAL ORGANIZATIONS.—The Secretary, in coordination with the Secretary of Veterans Affairs, shall consult with eligible recipients and any other appropriate tribal organization on the design of the Program to ensure the effective delivery of rental assistance and supportive services to eligible Indian veterans under the Program.

“(II) INDIAN HEALTH SERVICE.—The Director of the Indian Health Service shall provide any assistance requested by the Secretary or the Secretary of Veterans Affairs in carrying out the Program.

“(viii) WAIVER.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may waive or specify alternative requirements for any provision of law (including regulations) that the Secretary administers in connection with the use of rental assistance made available under the Program if the Secretary finds that the waiver or alternative requirement is necessary for the effective delivery and administration of rental assistance under the Program to eligible Indian veterans.

“(II) EXCEPTION.—The Secretary may not waive or specify alternative requirements under subclause (I) for any provision of law (including regulations) relating to labor standards or the environment.

“(ix) RENEWAL GRANTS.—The Secretary may—

“(I) set aside, from amounts made available for tenant-based rental assistance under this subsection and without regard to the amounts used for new grants under clause (ii), such amounts as may be necessary to award renewal grants to eligible recipients that received a grant under the Program in a previous year; and

“(II) specify criteria that an eligible recipient must satisfy to receive a renewal grant under subclause (I), including providing data on how the eligible recipient used the amounts of any grant previously received under the Program.

“(x) REPORTING.—

“(I) IN GENERAL.—Not later than 1 year after the date of enactment of this subparagraph, and every 5 years thereafter, the Secretary, in coordination with the Secretary of Veterans Affairs and the Director of the Indian Health Service, shall—

“(aa) conduct a review of the implementation of the Program, including any factors that may have limited its success; and

“(bb) submit a report describing the results of the review under item (aa) to—

“(AA) the Committee on Indian Affairs, the Committee on Banking, Housing, and Urban Affairs, the Committee on Veterans' Affairs, and the Committee on Appropriations of the Senate; and

“(BB) the Subcommittee on Indian, Insular and Alaska Native Affairs of the Committee on Natural Resources, the Committee on Financial Services, the Committee on Veterans' Affairs, and the Committee on Appropriations of the House of Representatives.

“(II) ANALYSIS OF HOUSING STOCK LIMITATION.—The Secretary shall include in the initial report submitted under subclause (I) a description of—

“(aa) any regulations governing the use of formula current assisted stock (as defined in section 1000.314 of title 24, Code of Federal Regulations (or any successor regulation)) within the Program;

“(bb) the number of recipients of grants under the Program that have reported the regulations described in item (aa) as a barrier to implementation of the Program; and

“(cc) proposed alternative legislation or regulations developed by the Secretary in consultation with recipients of grants under the Program to allow the use of formula current assisted stock within the Program.”

#### SEC. 11023. LEVERAGING.

All funds provided under a grant made pursuant to this division or the amendments made by this division may be used for purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program, provided that such grants made pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) are spent in accordance with that Act.

AMENDMENT NO. 4775 TO AMENDMENT NO. 3867

Mr. REED. Madam President, I ask unanimous consent to call up amendment No. 4775 and I ask that it be reported by number.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 4775 to amendment No. 3867.

The amendment is as follows:

(Purpose: To modify effective dates relating to the Assistant Secretary of the Air Force for Space Acquisition and Integration and the Service Acquisition Executive of the Department of the Air Force for Space System and Programs)

Strike section 1508 and insert the following:

**SEC. 1508. MODIFICATIONS TO EFFECTIVE DATES RELATING TO THE ASSISTANT SECRETARY OF THE AIR FORCE FOR SPACE ACQUISITION AND INTEGRATION AND THE SERVICE ACQUISITION EXECUTIVE OF THE DEPARTMENT OF THE AIR FORCE FOR SPACE SYSTEMS AND PROGRAMS.**

(a) MODIFICATION TO EFFECTIVE DATE OF TRANSFER OF ACQUISITION PROJECTS FOR SPACE SYSTEMS AND PROGRAMS.—Section 956(b)(3) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1566; 10 U.S.C. 9016 note), as amended by section 1507(c), is further amended—

(1) by striking “Effective” and inserting “Not later than”; and

(2) by striking “as of September 30, 2022” and inserting “at the time of such transfer”.

(b) MODIFICATIONS TO EFFECTIVE DATES FOR SERVICE ACQUISITION EXECUTIVE OF THE DE-

PARTMENT OF THE AIR FORCE FOR SPACE SYSTEMS AND PROGRAMS.—

(1) IN GENERAL.—Section 957 of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 9016 note) is amended—

(A) in subsection (a), by striking “Effective” and inserting “Not later than”; and

(B) in subsection (b)—

(i) in paragraph (1), by striking “Effective as of” and inserting “Not later than”; and

(ii) in paragraph (2), by striking “as of October 1, 2022” and inserting “as described in paragraph (1)”.

(2) CONFORMING AMENDMENT.—Section 9016(b)(6)(vi) of title 10, United States Code, as amended by section 1505(b), is further amended by striking “Effective as of” and inserting “Not later than”.

(3) TECHNICAL CORRECTION.—Section 957(b)(1) of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 9016 note) is amended by striking “section 1832(b)” and inserting “section 956(b)”.

Mr. REED. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REED. Madam President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 10:09 a.m., recessed subject to the call of the Chair and reassembled at 11:25 a.m. when called to order by the Presiding Officer (Mr. HICKENLOOPER).

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—Continued

The PRESIDING OFFICER. The Senator from Kansas.

H.R. 4350

Mr. MARSHALL. Mr. President, this week's fantasy consideration of the NDAA was a gut punch to our servicemembers and one of the weakest displays we have seen during the Senate Democrats' time in the majority.

Let's not forget there are 25 Senate Members serving on the Senate Armed Services Committee under the skillful leadership of Senators REED and INHOFE. They cleared their version of the NDAA in July of this year—July of this year, months ago—but the majority leader dragged his feet all the way up until late—late—last night, bringing the NDAA to the floor at the third latest point in the year ever.

Considering China's military rise and the foreign policy disasters this White House has created, one would think delivering a paycheck to our servicemembers and providing funding to increase our military's lethality would be top of mind.

Instead, the majority leader remains focused on reckless taxing, reckless spending, and reckless borrowing that is pushing Americans further into debt, driving up inflation, putting our Nation at a disadvantage, and helping China.

While he pointed his finger at Republicans who simply wanted the opportunity for additional amendments on important subjects, the majority leader is to blame for the fact that the other 75 Senators will not get to offer floor amendments and have an opportunity to help shape our military policy this year. But, regardless, the blame rests squarely on the shoulders of the majority leader.

The inclusion of a manager's amendment is standard operating procedure. It is actually the starting point and should not be where this process is stopped. Not allowing floor amendments breaks years of precedent.

What is also standard operating procedure is that the NDAA is a bill that is considered on the floor for multiple days and possibly multiple weeks, not one night. In fact, last year, the Senate debated the NDAA for nearly 3 weeks—3 weeks—starting in June.

This body should be able to vote on a myriad of amendments, such as ours, which would prevent dishonorable discharges for military men and women who are forced to separate from the military because of the COVID vaccine mandate.

Now, as a physician, I support the vaccine, but I also believe in the sanctity of the patient-physician relationship. And I support those who are defending our freedoms and have carefully weighed their decision with their doctor, their loved ones, their spouses, perhaps their chaplain, and decided this vaccine isn't right for them.

Once upon a time, I was that army doctor. And if a strapping, well-fit, 20-year-old Army Ranger or a 19-year-old Navy SEAL or a 22-year-old Air Force pilot walked into my office and said, "Doc, tell me about this vaccine," I would have to say, "Well, there are certainly benefits to the vaccine, certainly benefits to it, but the risk of having a career-ending complication from this vaccine—like heart inflammation, heart swelling—is greater than the chances of you being hospitalized from the virus."

Now, that is not true for my parents. That is not true for senior citizens. That is not true for obese people. But a fit, young military person in the prime of their life has a greater chance of having a career-ending complication from the vaccine than they do of being hospitalized from the virus.

And by the way, as I am sitting there talking to this pilot, to this Navy SEAL, to this Army Ranger, I would say: If you have that complication, you are going to be out of action for at least 6 months—at least 6 months—and chances are you will be grounded the rest of your life. You are going to have a checkmark in your medical history. I

don't think you'll probably ever be able to fly a plane again. You are never going to be a special ops person again. You have to be the fittest of the fit.

And once you have a heart swelling, do you think that I am going to be able to clear you for the needs of your job? Your career as a pilot or a special ops personnel is over.

That is right. Your lifelong dream—the career you have worked your whole life for—is over.

And we are going to give this military personnel a dishonorable discharge over this? That is un-American. It is not what Americans believe is right.

Unfortunately, the sledgehammer policy out of the White House says that one size has to fit all, and there are no exceptions to its mandate. This is the biggest sledgehammer I have ever seen. They refuse to consider natural immunity, even though we know natural immunity to COVID is the same as, if not more powerful than the vaccine.

As a result, President Biden wants to slap a dishonorable discharge on our unvaccinated heroes who put their lives on the line each day to defend our freedoms and our American way of life.

A dishonorable discharge is excessive and beyond harsh. They are disqualified from most jobs. They lose access to the GI bill. They lose VA home loans and medical benefits. They lose military funeral honors.

A dishonorable discharge treats those defending our freedoms as felons. Our American heroes deserve better. It is important to point out that this amendment, the amendment that we hoped to have offered last night, hoped to have votes on the Senate floor, passed the House Armed Services Committee—unanimously passed the House Armed Services Committee—and was included in their final bill, which passed with 316 votes, including 181 Democrats.

That is right. This same amendment passed unanimously out of the House Armed Services Committee, and 181 Democrats on the House side supported this amendment in their NDAA. Over here in the Senate, though, don't let the majority leader fool you; this NDAA process was a closed one as a result of his inability to bring the bill to the Senate floor in a timely manner in order to provide sufficient opportunity for Member input.

I urge the majority leader to change course and allow a robust NDAA amendment process that includes a vote on our amendment when the Senate returns after Thanksgiving.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REED). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VAN HOLLEN). Without objection, it is so ordered.

#### CLOTURE MOTION

Mr. REED. Mr. President, I send a cloture motion to the substitute to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Reed-Inhofe substitute amendment No. 3867, as modified, to Calendar No. 144, H.R. 4350, a bill to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Charles E. Schumer, Jack Reed, Catherine Cortez Masto, Benjamin L. Cardin, Robert P. Casey, Jr., Jeanne Shaheen, Tim Kaine, Angus S. King, Jr., Kyrsten Sinema, Christopher Murphy, Maria Cantwell, Mark Kelly, Brian Schatz, Patrick J. Leahy, Mazie Hirono, Debbie Stabenow, Mark R. Warner.

#### CLOTURE MOTION

Mr. REED. Mr. President, I send a cloture motion to H.R. 4350 to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 144, H.R. 4350, a bill to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, as amended.

Charles E. Schumer, Jack Reed, Catherine Cortez Masto, Benjamin L. Cardin, Robert P. Casey, Jr., Jeanne Shaheen, Tim Kaine, Angus S. King, Jr., Kyrsten Sinema, Christopher Murphy, Maria Cantwell, Mark Kelly, Brian Schatz, Patrick J. Leahy, Mazie K. Hirono, Debbie Stabenow, Mark R. Warner.

Mr. REED. Mr. President, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, November 19, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REED. Mr. President, I ask unanimous consent that the Senate proceed